

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

NELSON GOMES, MICHAEL LUCKHOO-
BOUCHE, SHANE SCHMIDT, DOUGLAS ROE,
KELLY WARAWA, FFS CAPITAL LIMITED,
PAIFANG TRADING LIMITED, ARTEFACTOR
LIMITED, ATLANTIAN MANAGEMENT
CORPORATION, MEADOW ASIA LIMITED, and
THYME INTERNATIONAL LIMITED,

Defendants.

Civil Action No.: 1:20-CV-11092-FDS

**ASSENTED-TO MOTION TO MODIFY THE PRELIMINARY INJUNCTION TO
ALLOW THE TRANSFER OF ASSETS FOR PAYMENT OF COUNSEL FEES**

With the assent of Plaintiff Securities and Exchange Commission (the “Commission”), defendant Douglas Roe respectfully requests that the Court modify the Preliminary Injunction Order entered in this matter (Dkt. No. 27) pursuant to Federal Rule of Civil Procedure (“FRCP”) 67 and Local Rule 67.2 to enable the release and transfer of the amounts presently held in Account CAD Registered Retirement Savings Plan (RRSP), account number 05H3NL-S, at National Bank Financial, to be transferred to the undersigned counsel for purposes of payment for legal services.

As grounds for this Motion, defendant states as follows:

1. On June 9, 2020, the Court granted a temporary restraining order (“TRO”) which ordered, among other things, all entities to preserve assets held for the benefit of the defendants. See Dkt. No. 8, at 8. The TRO was superseded by the Preliminary Injunction Order (Dkt. No. 27), which contained the same provision.

2. As of that date, and continuing through the present, National Bank Financial,

located at 475 Howe Street, Vancouver, British Columbia maintained accounts for the benefit of Douglas Roe and has restrained those accounts in accordance with the Court's order. One of those accounts, Account 05H3NL-S, is a Registered Retirement Savings Plan for the benefit of defendant Douglas Roe which holds approximately \$42,000.00.

3. As of May 2021, Mr. Roe sought to retain me as counsel and I engaged in discussions with the Commission concerning release of certain of the funds at National Bank Financial for the purpose of payment for Mr. Roe's legal fees. The Commission agreed to the release of one of the accounts, the retirement account, for that purpose.

4. In light of the foregoing, defendant Roe respectfully requests that the Court modify the Preliminary Injunction Order to direct the transfer of the contents of Account 05H3NL-S to Maranda E. Fritz P.C.

Accordingly, defendant Roe moves that the Court modify the Preliminary Injunction Order entered in this matter pursuant to FRCP 67 and Local Rule 67.2 to direct and permit National Bank Financial to release and transfer the current contents of Account 05H3NL-S to Maranda E. Fritz PC. A proposed Order is attached hereto as Exhibit A.

Date: June 14, 2021

Respectfully submitted,

DEFENDANT DOUGLAS ROE,

By and through his attorneys,

/s/ Timothy J. Fazio

Timothy J. Fazio (BBO # 654157)

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- and -

Maranda E. Fritz (*pro hac vice forthcoming*)

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CERTIFICATE OF CONFERENCE PURSUANT TO LR 7.1

Pursuant to Local Rule 7.1(a)(2), I hereby certify that counsel for the Plaintiff and Defendant Douglas Roe conferred prior to the filing of this Motion and counsel for the Plaintiff assented to the relief requested herein.

/s/ Maranda E. Fritz

Maranda E. Fritz

CERTIFICATE OF SERVICE

I, Timothy J. Fazio, hereby certify that on June 14, 2021, a copy of the foregoing was served on all counsel of record through the Court's CM/ECF e-filing system, and paper copies sent to those non-registered participants.

/s/ Timothy J. Fazio

Timothy J. Fazio